

ESTTA Tracking number: **ESTTA726123**

Filing date: **02/10/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Trudell Medical International
Granted to Date of previous extension	02/10/2016
Address	725 Third Street London, N5V 5G4 CANADA
Attorney information	Andrew J. Avsec Brinks Gilson & Lione P.O. Box 10395 Chicago, IL 60610 UNITED STATES officeactions@brinksgilson.com, aavsec@brinksgilson.com, cdolan@brinksgilson.com, rrios@brinksgilson.com

Applicant Information

Application No	86693156	Publication date	10/13/2015
Opposition Filing Date	02/10/2016	Opposition Period Ends	02/10/2016
Applicant	Shenzhen LFS medical appliance Co. , Ltd 1903, 2002, Bldg. A, No.9, Furong Road Baoan, Shenzhen, CHINA		

Goods/Services Affected by Opposition

Class 010. First Use: 2015/03/09 First Use In Commerce: 2015/03/09


All goods and services in the class are opposed, namely: Aerosol dispensers for medical use; Aerosol masks for medical use; Air filters for medical ventilators; Alcohol breath testing units; Apparatus for dispensing non-medical oxygen and aromatherapy that also utilizes light, sound, and vibration for relaxation therapy; Apparatus for physical training for medical use; Apparatus for taking blood samples; Blood glucose meter; Body rehabilitation apparatus for medical purposes; Breath gas analyzers for medical diagnostics; Carrying cases specially adapted for holding or carrying portable medical oxygen cylinders; Electromedical rehabilitative and pain management products for clinical and home use, namely, electrical nerve and muscle stimulators, ultrasonic stimulators, magnet therapy stimulators and laser therapy stimulators; Medical devices and apparatus, namely, ultrasound imaging apparatus, scanners and needle guides, and parts and fittings therefor; Medical ultrasound apparatus; Medical ultrasound apparatus to assist in the placement of central line catheters; Nebulizer for administering medication in the form of a mist inhaled into the lungs, for treatment of respiratory diseases; Nebulizers for respiration therapy; Portable medical devices used for breathing exercises, namely, portable devices used for endogenous breathing exercises and for respiratory muscle training; Sterile disposable oxygen humidifiers and nebulizers for respiratory therapy sold pre-filled with water; Ultrasonic therapy machines and apparatus

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	4448148	Application Date	03/25/2011
Registration Date	12/10/2013	Foreign Priority Date	NONE
Word Mark	AEROBIKA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2013/06/25 First Use In Commerce: 2013/06/25 Medical apparatus, namely, apparatus used to create a positive expiratory pressure or a positive inspiratory pressure		

U.S. Registration No.	4438659	Application Date	10/10/2012
Registration Date	11/26/2013	Foreign Priority Date	06/13/2012
Word Mark	AEROCHAMBER PLUS FLOW-VU		
Design Mark			
Description of Mark	The mark consists of "AEROCHAMBER PLUS FLOW-VU" with wavy design in the word ""FLOW-VU".		
Goods/Services	Class 010. First use: First Use: 2009/12/29 First Use In Commerce: 2010/06/30 Medical delivery apparatus, namely, holding chambers for use with metered dose inhalers		

U.S. Registration No.	3683576	Application Date	04/18/2007
Registration Date	09/15/2009	Foreign Priority Date	NONE
Word Mark	AEROHIPPIUS		

Design Mark	AEROHIPBUS
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2007/10/03 First Use In Commerce: 2007/10/03 Veterinary aerosol delivery apparatus, namely, holding chambers for use with aerosol dispensing devices

U.S. Registration No.	3566678	Application Date	12/11/2007
Registration Date	01/27/2009	Foreign Priority Date	NONE
Word Mark	AERODAWG		
Design Mark			
Description of Mark	The mark consists of the wording "AERODAWG" with a design of a dog inside the letter "D".		
Goods/Services	Class 010. First use: First Use: 2005/01/28 First Use In Commerce: 2005/01/28 Veterinary aerosol delivery apparatus, namely, holding chambers for use with metered dose inhalers		

U.S. Registration No.	2976372	Application Date	08/31/1999
Registration Date	07/26/2005	Foreign Priority Date	03/02/1999
Word Mark	AEROCOUNT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2004/11/08 First Use In Commerce: 2004/11/08 Medical devices, namely, devices for indicating the number of dosages that		

	have been dispensed from, or remain in, a container used to store and dispense a pharmaceutical preparation
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U.S. Registration No.	2971439	Application Date	06/14/2002
Registration Date	07/19/2005	Foreign Priority Date	01/24/2002
Word Mark	AEROKAT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2002/08/19 First Use In Commerce: 2002/08/19 VETERINARY AEROSOL DELIVERY APPARATUS, NAMELY, HOLDING CHAMBERS FOR USE WITH METERED DOSE INHALERS		

U.S. Registration No.	2877881	Application Date	06/14/2002
Registration Date	08/24/2004	Foreign Priority Date	01/24/2002
Word Mark	AEROKAT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2002/08/19 First Use In Commerce: 2002/08/19 VETERINARY AEROSOL DELIVERY APPARATUS, NAMELY, HOLDING CHAMBERS FOR USE WITH METERED DOSE INHALERS		


U.S. Registration No.	2725125	Application Date	12/07/2000
Registration Date	06/10/2003	Foreign Priority Date	06/08/2000
Word Mark	AEROTRACH PLUS		

Design Mark	AEROTRACH PLUS
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2000/08/23 First Use In Commerce: 2000/08/23 medical aerosol delivery apparatus, namely, holding chambers used with medical aerosol dispensing devices

U.S. Registration No.	2700774	Application Date	01/07/2000
Registration Date	03/25/2003	Foreign Priority Date	NONE
Word Mark	AEROCHAMBER PLUS		
Design Mark	AEROCHAMBER PLUS		
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2000/08/23 First Use In Commerce: 2000/08/23 Aerosol delivery devices, namely, holding chambers for use with aerosol dispensing devices		

U.S. Registration No.	2700773	Application Date	01/07/2000
Registration Date	03/25/2003	Foreign Priority Date	NONE
Word Mark	AEROCHAMBER PLUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2000/08/23 First Use In Commerce: 2000/08/23 Aerosol delivery devices, namely, holding chambers for use with aerosol dispensing devices		

U.S. Registration No.	2634254	Application Date	12/07/2000
Registration Date	10/15/2002	Foreign Priority Date	06/08/2000
Word Mark	AEROTRACH PLUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2000/04/20 First Use In Commerce: 2000/08/23 medical aerosol delivery apparatus, namely, holding chambers used with medical aerosol dispensing devices		

U.S. Registration No.	2451713	Application Date	03/11/1999
Registration Date	05/15/2001	Foreign Priority Date	09/14/1998
Word Mark	AEROECLIPSE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1999/11/30 First Use In Commerce: 1999/11/30 Aerosol delivery devices for medical use, namely, nebulizers for atomizing liquids		

Attachments	85277308#TMSN.png(bytes) 85750142#TMSN.png(bytes) 77159824#TMSN.png(bytes) 77349068#TMSN.png(bytes) 75788417#TMSN.png(bytes) 76420679#TMSN.png(bytes) 76420681#TMSN.png(bytes) 76181386#TMSN.png(bytes) 75889551#TMSN.png(bytes) 75889550#TMSN.png(bytes) 76181387#TMSN.png(bytes)
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	75658260#TMSN.png(bytes) AEROLAB Opposition 2.10.16.pdf(2250936 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Andrew J. Avsec/
Name	Andrew J. Avsec
Date	02/10/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

Trudell Medical International, Opposer, v. Shenzhen LFS Medical Appliance Co., Ltd. Applicant.	Opposition No.: _____ U.S. Serial No.: 86/693,156 Mark: AEROLAB
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NOTICE OF OPPOSITION

Trudell Medical International (“Opposer”), a registered name of a partnership organized under the laws of Canada, composed of Trudell Partnership Holdings Limited, an Ontario, Canada Corporation, and Packard Medical Supply Centre LTD, an Ontario, Canada corporation, with an address at 725 Third Street, London, Ontario N5V 5G4, Canada, believes that it will be damaged by registration of the mark AEROLAB in stylized font (“Opposed Mark”), which is the subject of United States Trademark Application Serial No. 86/693,156, filed in the name of Shenzhen LFS Medical Appliance Co., Ltd (“Applicant”), a limited company organized and existing under the laws of China, with an address of 1903, 2002, Bldg. A, No.9, Furong Road, Tantou Community, Songgang Street, Baoan, Shenzhen CHINA, and therefore, opposes such registration pursuant to 15 U.S.C. § 1063. In support of its opposition, Opposer states:

1. Since prior to Applicant’s filing date, Opposer, and its predecessors in interest, have continuously and extensively used AERO-formative trademarks, including the marks AEROBIKA, AEROCHAMBER PLUS, AERODAWG, AEROHIPPIUS, AEROTRACH PLUS, AEROKAT, AEROECLIPSE, and AEROCOUNT alone and in connection with other words and designs, for the advertising, promotion, offer and sale of goods in interstate commerce

(collectively, herein the “AERO Marks”). These uses by Opposer are ongoing and are made in connection with Opposer’s well-known medical apparatuses, which include aerosol dispensers, holding chambers, nebulizers, indicators, and masks for use with metered dose inhalers and medical devices used for breathing exercises (“Opposer’s Goods”). Consumers use Opposer’s Goods to aid in the delivery of medications and for breathing exercises.

2. As set forth in more detail below, Opposer owns both common law and registered trademark rights in the AERO Marks.

3. The AERO Marks are strong and distinctive. Opposer and its predecessors in interest have invested considerable money, time, and effort into the development of the AERO Marks for use in connection with Opposer’s Goods. As a result of extensive use, advertising and promotion, Opposer owns strong common law rights in the AERO Marks, the AERO Marks have become well-known in the United States, and they embody very valuable goodwill.

4. In addition to its common law rights in the AERO Marks, Opposer is the owner of the United States trademark registrations for the AERO Marks listed in the attached Exhibit A. All of these registrations are valid, subsisting and in full force and effect.

5. Opposer’s federal registrations are *prima facie* evidence of the validity of these marks as well as Opposer’s ownership and exclusive right to use these marks in connection with the identified goods. 15 U.S.C. § 1057(b). Indeed, the right of Opposer to use the marks for many of the AERO Marks is incontestable pursuant to 15 U.S.C. § 1065.

6. Notwithstanding Opposer’s prior rights in and to the AERO Marks, Applicant filed, on July 15, 2015, an application to register the mark AEROLAB for the following goods in Class 10 (herein “Applicant’s Goods”):

Aerosol dispensers for medical use; Aerosol masks for medical use; Air filters for medical ventilators; Alcohol breath testing units; Apparatus for dispensing non-

medical oxygen and aromatherapy that also utilizes light, sound, and vibration for relaxation therapy; Apparatus for physical training for medical use; Apparatus for taking blood samples; Blood glucose meter; Body rehabilitation apparatus for medical purposes; Breath gas analyzers for medical diagnostics; Carrying cases specially adapted for holding or carrying portable medical oxygen cylinders; Electromedical rehabilitative and pain management products for clinical and home use, namely, electrical nerve and muscle stimulators, ultrasonic stimulators, magnet therapy stimulators and laser therapy stimulators; Medical devices and apparatus, namely, ultrasound imaging apparatus, scanners and needle guides, and parts and fittings therefor; Medical ultrasound apparatus; Medical ultrasound apparatus to assist in the placement of central line catheters; Nebulizer for administering medication in the form of a mist inhaled into the lungs, for treatment of respiratory diseases; Nebulizers for respiration therapy; Portable medical devices used for breathing exercises, namely, portable devices used for endogenous breathing exercises and for respiratory muscle training; Sterile disposable oxygen humidifiers and nebulizers for respiratory therapy sold pre-filled with water; Ultrasonic therapy machines and apparatus.

7. At the time it filed its application, Applicant had constructive knowledge of Opposer's rights in the AERO Marks.

8. Applicant's THE AERO mark is confusingly similar, in appearance, sound, meaning and commercial impression, to Opposer's AERO Marks. The registration and use of the Opposed Mark by Applicant in association with the claimed goods is likely to cause confusion as to the source or origin of Applicant's goods, and is likely to mislead consumers, all to Opposer's damage.

9. The goods that Opposer provides under the AERO Marks, and the goods for which the AERO Marks are registered, are identical and, at a minimum, closely related, to Applicant's Goods.

10. The Opposed Mark, when used in connection with Applicant's Goods, is likely to cause confusion, to cause mistake, and to deceive the trade and public, who, upon seeing the Opposed Mark in connection with Applicant's Goods, would believe that such goods originate with, are approved, sponsored or endorsed by, or have some connection or affiliation with

Opposer. Accordingly, registration of the Opposed Mark would damage Opposer, and registration, therefore, should be refused pursuant to Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by registration of the mark which is the subject of United States Trademark Application Serial No. 86/693,156 and, therefore, respectfully requests that such registration be refused.

The Director hereby is authorized to charge the filing fee for this Notice of Opposition to Deposit Account No. 23-1925.

Respectfully submitted,

Trudell Medical International

Dated: 2/10/2016

By: /Andrew J. Avsec/

Andrew J. Avsec
Michael Friedman
BRINKS GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200

Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing NOTICE OF OPPOSITION and Exhibit A thereto was served on Applicant at the following address of record by Federal Express on this 10th day of February, 2016.

ANTHEA LEE
10685B Hazelhurst Dr # 9123
Houston, TX 77043-3238

/Andrew J. Avsec/

EXHIBIT A

Exhibit A

Mark	Reg. No.	Reg. Date	Goods
AEROBIKA	4,448,148	12/10/2013	Class 10: Medical apparatus, namely, apparatus used to create a positive expiratory pressure or a positive inspiratory pressure
<i>AeroChamber Plus Flow-Vu</i>	4,438,659	11/26/2013	Class 10: Medical delivery apparatus, namely, holding chambers for use with metered dose inhalers
AEROHIPPIUS	3,683,576	09/15/2009	Class 10: Veterinary aerosol delivery apparatus, namely, holding chambers for use with aerosol dispensing devices
<i>AeroDawg</i>	3,566,678	01/27/2009	Class 10: Veterinary aerosol delivery apparatus, namely, holding chambers for use with metered dose inhalers
AEROCOUNT	2,976,372	07/26/2005	Class 10: Medical devices, namely, devices for indicating the number of dosages that have been dispensed from, or remain in, a container used to store and dispense a pharmaceutical preparation
<i>AeroKat</i>	2,971,439	07/19/2005	Class 10: Veterinary aerosol delivery apparatus, namely, holding chambers for use with metered dose inhalers
AEROKAT	2,877,881	08/24/2004	Class 10: Veterinary aerosol delivery apparatus, namely, holding chambers for use with metered dose inhalers
AEROTRACH PLUS	2,725,125	06/10/2003	Class 10: Medical aerosol delivery apparatus, namely, holding chambers used with medical aerosol dispensing devices
AEROCHAMBER PLUS	2,700,774	03/25/2003	Class 10: Aerosol delivery devices, namely, holding chambers for use with aerosol dispensing devices
<i>AeroChamber Plus</i>	2,700,773	03/25/2003	Class 10: Aerosol delivery devices, namely, holding chambers for use with aerosol dispensing devices
<i>AeroTrach Plus</i>	2,634,254	10/15/2002	Class 10: Medical aerosol delivery apparatus, namely, holding chambers used with medical aerosol dispensing devices

Mark	Reg. No.	Reg. Date	Goods
AEROECLIPSE	2,451,713	05/15/2001	Class 10: Aerosol delivery devices for medical use, namely, nebulizers for atomizing liquids

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Mark: AEROBIKA

AEROBIKA

US Serial Number: 85277308

Application Filing Date:

Mar. 25, 2011

US Registration Number: 4448148

Registration Date:

Dec. 10, 2013

Register:

Principal

Mark Type:

Trademark

Status:

Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date:

Dec. 10, 2013

Publication Date: Aug. 09, 2011

Notice of Allowance Date:

Oct. 04, 2011

Mark Information

Mark Literal Elements:

AEROBIKA

Standard Character Claim:

Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type:

4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For:

Medical apparatus, namely, apparatus used to create a positive expiratory pressure or a positive inspiratory pressure

International Class(es): 010 - Primary Class

U.S Class(es):

026, 039, 044

Class Status:

ACTIVE

Basis:

1(a)

First Use: Jun. 25, 2013

Use in Commerce:

Jun. 25, 2013

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name:

Trudell Medical International

Composed of:

Trudell Partnership Holdings Limited (a corporation of Ontario, Canada) and Packard Medical Supply Centre Ltd. (a corporation of Ontario, Canada)

Owner Address:

725 Third Street
London N5V5G4
CANADA

Legal Entity Type: PARTNERSHIP

State or Country Where
Organized:

CANADA

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

**Correspondent
Name/Address:**

TRUDELL MEDICAL INTERNATIONAL
TRUDELL MEDICAL INTERNATIONAL
725 THIRD STREET
LONDON N5V5G4
CANADA

Phone: 519 455-7060

Fax:

519 455-4469

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 10, 2013	REGISTERED-PRINCIPAL REGISTER	
Nov. 08, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Nov. 07, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
Nov. 06, 2013	ASSIGNED TO LIE	68123
Oct. 22, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 04, 2013	STATEMENT OF USE PROCESSING COMPLETE	66154
Sep. 11, 2013	USE AMENDMENT FILED	66154
Sep. 11, 2013	TEAS STATEMENT OF USE RECEIVED	
Feb. 14, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
Feb. 13, 2013	EXTENSION 3 GRANTED	66154
Feb. 12, 2013	EXTENSION 3 FILED	66154
Feb. 12, 2013	TEAS EXTENSION RECEIVED	
Sep. 12, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
Sep. 11, 2012	EXTENSION 2 GRANTED	66154
Sep. 10, 2012	EXTENSION 2 FILED	66154
Sep. 11, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Sep. 10, 2012	TEAS EXTENSION RECEIVED	
Mar. 16, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
Mar. 14, 2012	EXTENSION 1 GRANTED	98765
Mar. 14, 2012	EXTENSION 1 FILED	98765
Mar. 14, 2012	TEAS EXTENSION RECEIVED	
Oct. 04, 2011	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 09, 2011	PUBLISHED FOR OPPOSITION	
Jul. 20, 2011	NOTICE OF PUBLICATION	
Jun. 25, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 22, 2011	ASSIGNED TO EXAMINER	83174
Mar. 30, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 29, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location:

Nov. 07, 2013

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: 91217580

Filing Date:

Jul 28, 2014

Status: Terminated

Status Date:

Oct 14, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name:

AeroDesigns, Inc.

Correspondent Address:

JARED M BARRETT
SEED IP LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA , 98104
UNITED STATES

Correspondent e-mail:

JaredB@SeedIP.com , lital@SeedIP.com , BillF.Docketing@SeedIP.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE AERO	Abandoned - After Inter-Partes Decision	<u>85842158</u>	

Plaintiff(s)

Name:

Trudell Medical International

Correspondent Address:

ANDREW J AVSEC
BRINKS GILSON & LIONE
PO BOX 10395
CHICAGO IL , 60610
UNITED STATES

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , cdolan@brinksgilson.com , rios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROBIKA	Registered	<u>85277308</u>	<u>4448148</u>
AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>
AEROHIPPIUS	Section 8 and 15 - Accepted and Acknowledged	<u>77159824</u>	<u>3683576</u>
AERODAWG	Section 8 - Accepted	<u>77349068</u>	<u>3566678</u>
AEROCOUNT	Renewed	<u>75788417</u>	<u>2976372</u>
AEROKAT	Renewed	<u>76420679</u>	<u>2971439</u>
AEROKAT	Renewed	<u>76420681</u>	<u>2877881</u>
AEROTRACH PLUS	Renewed	<u>76181386</u>	<u>2725125</u>
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>
AEROTRACH PLUS	Renewed	<u>76181387</u>	<u>2634254</u>
AEROECLIPSE	Renewed	<u>75658260</u>	<u>2451713</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	CHANGE OF CORRESP ADDRESS	Jul 30, 2014	
5	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
6	EXTENSION OF TIME GRANTED	Aug 27, 2014	
7	D MOT FOR EXT W/ CONSENT	Oct 06, 2014	
8	EXTENSION OF TIME GRANTED	Oct 06, 2014	
9	W/DRAW OF APPLICATION	Oct 09, 2014	
10	BD DECISION: DISMISSED W/O PREJ	Oct 14, 2014	
11	TERMINATED	Oct 14, 2014	

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Mark: AEROCHAMBER PLUS FLOW-VU

*AeroChamber
Flow-VU*

US Serial Number: 85750142

Application Filing Date:

Oct. 10, 2012

US Registration Number: 4438659

Registration Date:

Nov. 26, 2013

Register:

Principal

Mark Type:

Trademark

Status:

Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date:

Nov. 26, 2013

Publication Date: Sep. 10, 2013

Mark Information

Mark Literal Elements:

AEROCHAMBER PLUS FLOW-VU

Standard Character Claim:

No

Mark Drawing Type:

3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark:

The mark consists of "AEROCHAMBER PLUS FLOW-VU" with wavy design in the word "FLOW-VU".

Color(s) Claimed:

Color is not claimed as a feature of the mark.

Design Search Code(s):

26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)

26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal

Related Properties Information

Claimed Ownership of US

Registrations:

2700773, 2700774, 3064125 and others

Foreign Information

Priority Claimed:

Yes

**Foreign Application
Number:** 1581631

**Foreign Application Filing
Date:**

Jun. 13, 2012

**Foreign
Application/Registration
Country:** CANADA

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:

Medical delivery apparatus, namely, holding chambers for use with metered dose inhalers

International Class(es): 010 - Primary Class

U.S Class(es):

026, 039, 044

Class Status:

ACTIVE

Basis:

1(a)

First Use: Dec. 29, 2009

Use in Commerce:

Jun. 30, 2010

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name:

TRUDELL MEDICAL INTERNATIONAL

Composed of:

comprised of Trudell Partnership Holdings Limited, a corporation of Ontario, Canada, and Packard Medical Supply Centre Ltd., a corporation of Ontario, Canada.

Owner Address:

725 Third Street
London N5V5G4
CANADA

Legal Entity Type: PARTNERSHIP

State or Country Where
Organized:

CANADA

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent
Name/Address:

TRUDELL MEDICAL INTERNATIONAL
725 THIRD STREET
LONDON N5V5G4
CANADA

Phone: 519 455-7060

Fax:

519 455-4469

Correspondent e-mail: vstrong@tmlcorp.com

Correspondent e-mail
Authorized:

No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 26, 2013	REGISTERED-PRINCIPAL REGISTER	
Sep. 10, 2013	PUBLISHED FOR OPPOSITION	
Aug. 21, 2013	NOTICE OF PUBLICATION	
Aug. 05, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Aug. 02, 2013	ASSIGNED TO LIE	68171
Jul. 19, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	

Jul. 12, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 11, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 11, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 15, 2013	NON-FINAL ACTION MAILED	
Feb. 14, 2013	NON-FINAL ACTION WRITTEN	82107
Feb. 07, 2013	ASSIGNED TO EXAMINER	82107
Oct. 17, 2012	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Oct. 16, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 13, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location:

Nov. 26, 2013

Proceedings

Summary

Number of Proceedings:

3

Type of Proceeding: Opposition

Proceeding Number: 91217580

Filing Date:

Jul 28, 2014

Status: Terminated

Status Date:

Oct 14, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name:

AeroDesigns, Inc.

Correspondent Address:

JARED M BARRETT
SEED IP LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA , 98104
UNITED STATES

Correspondent e-mail:

JaredB@SeedIP.com , lital@SeedIP.com , BillF.Docketing@SeedIP.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE AERO	Abandoned - After Inter-Partes Decision	<u>85842158</u>	

Plaintiff(s)

Name:

Trudell Medical International

Correspondent Address:

ANDREW J AVSEC
BRINKS GILSON & LIONE
PO BOX 10395
CHICAGO IL , 60610
UNITED STATES

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , cdolan@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROBIKA	Registered	<u>85277308</u>	<u>4448148</u>
AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>
AEROHIPPIUS	Section 8 and 15 - Accepted and Acknowledged	<u>77159824</u>	<u>3683576</u>
AERODAWG	Section 8 - Accepted	<u>77349068</u>	<u>3566678</u>
AEROCOUNT	Renewed	<u>75788417</u>	<u>2976372</u>

AEROKAT	Renewed	<u>76420679</u>	<u>2971439</u>
AEROKAT	Renewed	<u>76420681</u>	<u>2877881</u>
AEROTRACH PLUS	Renewed	<u>76181386</u>	<u>2725125</u>
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>
AEROTRACH PLUS	Renewed	<u>76181387</u>	<u>2634254</u>
AEROECLIPSE	Renewed	<u>75658260</u>	<u>2451713</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	CHANGE OF CORRESP ADDRESS	Jul 30, 2014	
5	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
6	EXTENSION OF TIME GRANTED	Aug 27, 2014	
7	D MOT FOR EXT W/ CONSENT	Oct 06, 2014	
8	EXTENSION OF TIME GRANTED	Oct 06, 2014	
9	W/DRAW OF APPLICATION	Oct 09, 2014	
10	BD DECISION: DISMISSED W/O PREJ	Oct 14, 2014	
11	TERMINATED	Oct 14, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91214359

Filing Date:

Jan 08, 2014

Status: Pending

Status Date:

Jan 08, 2014

Interlocutory Attorney: WENDY COHEN

Defendant

Name:

Medical Developments International Limited

Correspondent Address:

PAUL J KENNEDY
PEPPER HAMILTON LLP
3000 TWO LOGAN SQ 18TH AND ARCH STS
PHILADELPHIA PA , 19103
UNITED STATES

Correspondent e-mail:

kennedyp@pepperlaw.com; jensenc@pepperla

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPACE CHAMBER PLUS	Opposition Pending Plaintiff(s)	<u>85715089</u>	

Name:

Trudell Medical International

Correspondent Address:

ANDREW J AVSEC
BRINKS GILSON & LIONE
PO BOX 10395
CHICAGO IL , 60610
UNITED STATES

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>

Prosecution History

Entry Number	History Text	Date	Due Date
--------------	--------------	------	----------

1	FILED AND FEE	Jan 08, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 08, 2014	Feb 17, 2014
3	PENDING, INSTITUTED	Jan 08, 2014	
4	ANSWER	Feb 18, 2014	
5	STIP TO SUSP PEND SETTL NEGOTIATIONS	Mar 20, 2014	
6	SUSPENDED	Mar 20, 2014	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 17, 2014	
8	SUSPENDED	Apr 17, 2014	
9	STIP TO SUSP PEND SETTL NEGOTIATIONS	May 21, 2014	
10	SUSPENDED	May 22, 2014	
11	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 10, 2014	
12	SUSPENDED	Jul 10, 2014	
13	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 08, 2014	
14	SUSPENDED	Aug 08, 2014	
15	STIP TO SUSP PEND SETTL NEGOTIATIONS	Oct 09, 2014	
16	SUSPENDED	Oct 09, 2014	
17	STIP FOR EXT	Mar 06, 2015	
18	EXTENSION OF TIME GRANTED	Mar 06, 2015	
19	STIP FOR EXT	Apr 30, 2015	
20	EXTENSION OF TIME GRANTED	Apr 30, 2015	
21	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 07, 2015	
22	SUSPENDED	Jul 07, 2015	
23	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 06, 2015	
24	SUSPENDED	Aug 06, 2015	
25	STIP FOR EXT	Sep 09, 2015	
26	EXTENSION OF TIME GRANTED	Sep 09, 2015	
27	STIP FOR EXT	Oct 09, 2015	
28	EXTENSION OF TIME GRANTED	Oct 09, 2015	
29	STIP FOR EXT	Nov 06, 2015	
30	EXTENSION OF TIME GRANTED	Nov 06, 2015	
31	STIP FOR EXT	Dec 08, 2015	
32	EXTENSION OF TIME GRANTED	Dec 08, 2015	
33	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jan 08, 2016	
34	SUSPENDED	Jan 08, 2016	

Type of Proceeding: Opposition

Proceeding Number: 91214366

Filing Date:

Jan 08, 2014

Status: Pending

Status Date:

Jan 08, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name:

Medical Developments International Limited

Correspondent Address:

PAUL J KENNEDY
PEPPER HAMILTON LLP
3000 TWO LOGAN SQ, 18TH AND ARCH STS
PHILADELPHIA PA , 19103
UNITED STATES

Correspondent e-mail:

kennedyp@pepperlaw.com , catalant@pepperlaw.com , jensenc@pepperlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
COMPACT SPACE CHAMBER PLUS	Opposition Pending	85715102	
	Plaintiff(s)		

Name:

Trudell Medical International

Correspondent Address:

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P.O. Box 10395
Chicago IL , 60610
UNITED STATES

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 08, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 08, 2014	Feb 17, 2014
3	PENDING, INSTITUTED	Jan 08, 2014	
4	ANSWER	Feb 18, 2014	
5	STIP TO SUSP PEND SETTL NEGOTIATIONS	Mar 20, 2014	
6	SUSPENDED	Mar 20, 2014	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 17, 2014	
8	SUSPENDED	Apr 17, 2014	
9	STIP TO SUSP PEND SETTL NEGOTIATIONS	May 21, 2014	
10	SUSPENDED	May 22, 2014	
11	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 10, 2014	
12	SUSPENDED	Jul 10, 2014	
13	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 08, 2014	
14	SUSPENDED	Aug 08, 2014	
15	STIP TO SUSP PEND SETTL NEGOTIATIONS	Oct 09, 2014	
16	SUSPENDED	Oct 09, 2014	
17	STIP FOR EXT	Mar 06, 2015	
18	EXTENSION OF TIME GRANTED	Mar 06, 2015	
19	STIP FOR EXT	Apr 30, 2015	
20	EXTENSION OF TIME GRANTED	Apr 30, 2015	
21	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 07, 2015	
22	SUSPENDED	Jul 07, 2015	
23	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 06, 2015	
24	SUSPENDED	Aug 06, 2015	
25	STIP FOR EXT	Sep 09, 2015	
26	EXTENSION OF TIME GRANTED	Sep 09, 2015	
27	STIP FOR EXT	Oct 09, 2015	
28	EXTENSION OF TIME GRANTED	Oct 09, 2015	
29	STIP FOR EXT	Nov 06, 2015	
30	EXTENSION OF TIME GRANTED	Nov 06, 2015	
31	STIP FOR EXT	Dec 08, 2015	
32	EXTENSION OF TIME GRANTED	Dec 08, 2015	
33	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jan 08, 2016	
34	SUSPENDED	Jan 08, 2016	

Generated on:

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Mark: AEROHIPPIUS

AEROHIPPIUS

US Serial Number: 77159824

Application Filing Date:

Apr. 18, 2007

US Registration Number: 3683576

Registration Date:

Sep. 15, 2009

Register:

Principal

Mark Type:

Trademark

Amended to Principal Register: Yes

Date Amended to Current Register:

Mar. 28, 2008

Status:

A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date:

Sep. 11, 2015

Publication Date: May 13, 2008

Notice of Allowance Date:

Aug. 05, 2008

Mark Information

Mark Literal Elements:

AEROHIPPIUS

Standard Character Claim:

Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type:

4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For:

Veterinary aerosol delivery apparatus, namely, holding chambers for use with aerosol dispensing devices

International Class(es): 010 - Primary Class

U.S Class(es):

026, 039, 044

Class Status:

ACTIVE

Basis:

1(a)

First Use: Oct. 03, 2007

Use in Commerce:

Oct. 03, 2007

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: Yes

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No
Filed No Basis: No

Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name:

Trudell Medical International

Composed of:

Trudell Partnership Holdings Limited, an Ontario, Canada corporation and Packard Medical Supply Centre Ltd., an Ontario, Canada corporation.

Owner Address:

725 Third Street
London CANADA N5V 5G4

Legal Entity Type: PARTNERSHIP

**State or Country Where
Organized:**

CANADA

Attorney/Correspondence Information

**Attorney of Record - None
Correspondent**

**Correspondent
Name/Address:**

Trudell Medical International
725 Third Street
London CANADA N5V5G4

Phone: 519 455-7060

Fax:

519 455-4469

Correspondent e-mail: scrockett@tmlcorp.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative

Domestic Representative Name: Connie Bolton
(315) 472-2136

Phone:

Fax:

(315) 472-1924

Prosecution History

Date	Description	Proceeding Number
Sep. 11, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 11, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69471
Sep. 10, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Aug. 10, 2015	TEAS SECTION 8 & 15 RECEIVED	
Aug. 10, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 15, 2009	REGISTERED-PRINCIPAL REGISTER	
Aug. 07, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	65864
Aug. 04, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 03, 2009	STATEMENT OF USE PROCESSING COMPLETE	66154
Jul. 30, 2009	USE AMENDMENT FILED	66154
Jul. 30, 2009	TEAS STATEMENT OF USE RECEIVED	
Apr. 07, 2009	EXTENSION 1 GRANTED	66154
Feb. 05, 2009	EXTENSION 1 FILED	66154
Apr. 07, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Mar. 18, 2009	EXTENSION RECEIVED WITH TEAS PETITION	
Mar. 18, 2009	PETITION TO REVIVE-GRANTED	88889
Mar. 18, 2009	TEAS PETITION TO REVIVE RECEIVED	
Mar. 09, 2009	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Mar. 09, 2009	ABANDONMENT - NO USE STATEMENT FILED	99999
Aug. 05, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 13, 2008	PUBLISHED FOR OPPOSITION	

Apr. 23, 2008	NOTICE OF PUBLICATION	
Apr. 04, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	65864
Apr. 04, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 31, 2008	AMENDMENT FROM APPLICANT ENTERED	65864
Mar. 31, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	65864
Mar. 28, 2008	FAX RECEIVED	
Feb. 29, 2008	LETTER OF SUSPENSION MAILED	
Feb. 29, 2008	SUSPENSION LETTER WRITTEN	82414
Feb. 28, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	65864
Feb. 28, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	65864
Feb. 28, 2008	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Jan. 04, 2008	LETTER OF SUSPENSION MAILED	
Jan. 03, 2008	SUSPENSION LETTER WRITTEN	82414
Jan. 03, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	65864
Jan. 03, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	65864
Jan. 03, 2008	ASSIGNED TO LIE	65864
Nov. 20, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 06, 2007	NON-FINAL ACTION MAILED	
Aug. 06, 2007	NON-FINAL ACTION WRITTEN	82414
Aug. 06, 2007	NON-FINAL ACTION WRITTEN	82414
Aug. 01, 2007	ASSIGNED TO EXAMINER	82414
Apr. 24, 2007	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

**Affidavit of
Incontestability:**

Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 115

Date in Location:

Sep. 11, 2015

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: 91217580

Filing Date:

Jul 28, 2014

Status: Terminated

Status Date:

Oct 14, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name:

AeroDesigns, Inc.

Correspondent Address:

JARED M BARRETT
SEED IP LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA UNITED STATES , 98104

Correspondent e-mail:

JaredB@SeedIP.com , lital@SeedIP.com , BillF.Docketing@SeedIP.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE AERO	Abandoned - After Inter-Partes Decision Plaintiff(s)	<u>85842158</u>	

Name:

Trudell Medical International

Correspondent Address:

ANDREW J AVSEC
BRINKS GILSON & LIONE
PO BOX 10395
CHICAGO IL UNITED STATES , 60610

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , cdolan@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROBIKA	Registered	<u>85277308</u>	<u>4448148</u>
AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>
AEROHIPPIUS	Section 8 and 15 - Accepted and Acknowledged	<u>77159824</u>	<u>3683576</u>
AERODAWG	Section 8 - Accepted	<u>77349068</u>	<u>3566678</u>
AEROCOUNT	Renewed	<u>75788417</u>	<u>2976372</u>
AEROKAT	Renewed	<u>76420679</u>	<u>2971439</u>
AEROKAT	Renewed	<u>76420681</u>	<u>2877881</u>
AEROTRACH PLUS	Renewed	<u>76181386</u>	<u>2725125</u>
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>
AEROTRACH PLUS	Renewed	<u>76181387</u>	<u>2634254</u>
AEROECLIPSE	Renewed	<u>75658260</u>	<u>2451713</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	CHANGE OF CORRESP ADDRESS	Jul 30, 2014	
5	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
6	EXTENSION OF TIME GRANTED	Aug 27, 2014	
7	D MOT FOR EXT W/ CONSENT	Oct 06, 2014	
8	EXTENSION OF TIME GRANTED	Oct 06, 2014	
9	W/DRAW OF APPLICATION	Oct 09, 2014	
10	BD DECISION: DISMISSED W/O PREJ	Oct 14, 2014	
11	TERMINATED	Oct 14, 2014	

Generated on:

This page was generated by TSDR on 2016-02-10 12:33:14 EST

Mark: AERODAWG



US Serial Number: 77349068

Application Filing Date:

Dec. 11, 2007

US Registration Number: 3566678

Registration Date:

Jan. 27, 2009

Register:

Principal

Mark Type:

Trademark

Status:

A Section 8 declaration has been accepted.

Status Date:

Jan. 16, 2015

Publication Date: Nov. 11, 2008

Mark Information

Mark Literal Elements:

AERODAWG

Standard Character Claim:

No

Mark Drawing Type:

3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark:

The mark consists of the wording "AERODAWG" with a design of a dog inside the letter "D".

Color(s) Claimed:

Color is not claimed as a feature of the mark.

Design Search Code(s):

03.01.08 - Dogs; Puppies

03.01.24 - Stylized cats, dogs, wolves, foxes, bears, lions, tigers

Related Properties Information

Claimed Ownership of US
Registrations:

3280408

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For:

Veterinary aerosol delivery apparatus, namely, holding chambers for use with metered dose inhalers

International Class(es): 010 - Primary Class

U.S Class(es):

026, 039, 044

Class Status:

ACTIVE

Basis:

1(a)

First Use: Jan. 28, 2005

Use in Commerce:

Jan. 28, 2005

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name:

Trudell Medical International

Composed of:

Trudell Partnership Holdings Limited, an Ontario Corporation and Packard Medical Supply Centre Ltd., an Ontario Corporation

Owner Address:

725 Third Street
London N5V5G4
CANADA

Legal Entity Type: PARTNERSHIP

**State or Country Where
Organized:**

CANADA

Attorney/Correspondence Information

**Attorney of Record - None
Correspondent**

**Correspondent
Name/Address:**

Trudell Medical International, a registered name o
725 Third Street
London, Ontario N5V5G4
CANADA

Phone: 519 455-7060

Fax:

519 455-4469

Correspondent e-mail: scrockett@tmlcorp.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative

Domestic Representative Name: Connie Bolton
315 472-2136

Phone:

Fax:

315 472-1924

Prosecution History

Date	Description	Proceeding Number
Jan. 16, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Jan. 16, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED	76873
Jan. 16, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76873
Jan. 06, 2015	TEAS SECTION 8 RECEIVED	
Jan. 06, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 27, 2009	REGISTERED-PRINCIPAL REGISTER	
Nov. 11, 2008	PUBLISHED FOR OPPOSITION	
Oct. 22, 2008	NOTICE OF PUBLICATION	
Oct. 07, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Oct. 01, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 27, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	70629
Sep. 27, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	70629

Sep. 26, 2008	ASSIGNED TO LIE	70629
Sep. 18, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 20, 2008	NON-FINAL ACTION MAILED	
Mar. 19, 2008	NON-FINAL ACTION WRITTEN	82438
Mar. 19, 2008	ASSIGNED TO EXAMINER	82438
Dec. 15, 2007	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Dec. 14, 2007	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: TMEG LAW OFFICE 103

Date in Location:

Jan. 16, 2015

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: 91217580

Filing Date:

Jul 28, 2014

Status: Terminated

Status Date:

Oct 14, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name:

AeroDesigns, Inc.

Correspondent Address:

JARED M BARRETT
SEED IP LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA , 98104
UNITED STATES

Correspondent e-mail:

JaredB@SeedIP.com , litalcal@SeedIP.com , BillF.Docketing@SeedIP.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE AERO	Abandoned - After Inter-Partes Decision Plaintiff(s)	<u>85842158</u>	

Name:

Trudell Medical International

Correspondent Address:

ANDREW J AVSEC
BRINKS GILSON & LIONE
PO BOX 10395
CHICAGO IL , 60610
UNITED STATES

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , cdolan@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROBIKA	Registered	<u>85277308</u>	<u>4448148</u>

AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>
AEROHIPPIUS	Section 8 and 15 - Accepted and Acknowledged	<u>77159824</u>	<u>3683576</u>
AERODAWG	Section 8 - Accepted	<u>77349068</u>	<u>3566678</u>
AEROCOUNT	Renewed	<u>75788417</u>	<u>2976372</u>
AEROKAT	Renewed	<u>76420679</u>	<u>2971439</u>
AEROKAT	Renewed	<u>76420681</u>	<u>2877881</u>
AEROTRACH PLUS	Renewed	<u>76181386</u>	<u>2725125</u>
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>
AEROTRACH PLUS	Renewed	<u>76181387</u>	<u>2634254</u>
AEROECLIPSE	Renewed	<u>75658260</u>	<u>2451713</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	CHANGE OF CORRESP ADDRESS	Jul 30, 2014	
5	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
6	EXTENSION OF TIME GRANTED	Aug 27, 2014	
7	D MOT FOR EXT W/ CONSENT	Oct 06, 2014	
8	EXTENSION OF TIME GRANTED	Oct 06, 2014	
9	W/DRAW OF APPLICATION	Oct 09, 2014	
10	BD DECISION: DISMISSED W/O PREJ	Oct 14, 2014	
11	TERMINATED	Oct 14, 2014	

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Mark: AEROCOUNT

AEROCOUNT

US Serial Number: 75788417

Application Filing Date:

Aug. 31, 1999

US Registration Number: 2976372

Registration Date:

Jul. 26, 2005

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Jul. 16, 2015

Publication Date: Sep. 02, 2003

Notice of Allowance Date:

Nov. 25, 2003

Mark Information

Mark Literal Elements:

AEROCOUNT

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Foreign Information

Priority Claimed:

Yes

**Foreign Application
Number:** 1007057

**Foreign Application Filing
Date:**

Mar. 02, 1999

**Foreign
Application/Registration
Country:** CANADA

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For:

Medical devices, namely, devices for indicating the number of dosages that have been dispensed from, or remain in, a container used to store and dispense a pharmaceutical preparation

International Class(es): 010 - Primary Class

U.S Class(es):

026, 039, 044

Class Status:

ACTIVE

Basis:

1(a)

First Use: Nov. 08, 2004

Use in Commerce:

Nov. 08, 2004

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name:

TRUDELL MEDICAL INTERNATIONAL

Composed of:

composed of TRUDELL PARTNERSHIP HOLDINGS LIMITED, an Ontario corporation, and PACKARD MEDICAL SUPPLY CENTRE LTD, an Ontario corporation.

Owner Address:

725 THIRD STREET
LONDON, ONTARIO N5V 5G4
CANADA

Legal Entity Type: PARTNERSHIP

**State or Country Where
Organized:**

CANADA

Attorney/Correspondence Information

**Attorney of Record - None
Correspondent**

**Correspondent
Name/Address:**

TRUDELL MEDICAL INTERNATIONAL
725 THIRD STREET
LONDON, ONTARIO N5V5G4
CANADA

Phone: 519-455-7060

Correspondent e-mail: scrockett@tmlcorp.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative

Domestic Representative Name: Sue Stamp
315 472-2136

Phone:

Fax:

315 472-1924

Prosecution History

Date	Description	Proceeding Number
Jul. 16, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 16, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Jul. 16, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Jul. 16, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Jun. 23, 2015	TEAS SECTION 8 & 9 RECEIVED	
Jun. 23, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 16, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Dec. 15, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Nov. 30, 2010	TEAS SECTION 8 & 15 RECEIVED	
Jul. 26, 2005	REGISTERED-PRINCIPAL REGISTER	
Jun. 01, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	65287
May 23, 2005	ASSIGNED TO LIE	65287
May 13, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 29, 2005	STATEMENT OF USE PROCESSING COMPLETE	71427

Apr. 12, 2005	USE AMENDMENT FILED	71427
Apr. 12, 2005	TEAS STATEMENT OF USE RECEIVED	
Dec. 01, 2004	EXTENSION 2 GRANTED	65362
Nov. 23, 2004	EXTENSION 2 FILED	65362
Nov. 23, 2004	TEAS EXTENSION RECEIVED	
Apr. 29, 2004	EXTENSION 1 GRANTED	
Apr. 21, 2004	EXTENSION 1 FILED	
Apr. 27, 2004	CASE FILE IN TIGRS	
Apr. 21, 2004	TEAS EXTENSION RECEIVED	
Nov. 25, 2003	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 02, 2003	PUBLISHED FOR OPPOSITION	
Aug. 13, 2003	NOTICE OF PUBLICATION	
Jun. 21, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 10, 2003	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Feb. 12, 2003	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 24, 2003	PAPER RECEIVED	
Jan. 24, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 25, 2002	FINAL REFUSAL MAILED	
Jul. 18, 2002	ASSIGNED TO EXAMINER	76612
Jul. 17, 2002	PETITION TO REVIVE-GRANTED	
Oct. 31, 2001	PETITION TO REVIVE-RECEIVED	
Sep. 05, 2001	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Jan. 10, 2001	NON-FINAL ACTION MAILED	
Jan. 10, 2001	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Nov. 21, 2000	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Nov. 04, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 13, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 04, 2000	NON-FINAL ACTION MAILED	
Dec. 22, 1999	ASSIGNED TO EXAMINER	76612
Dec. 17, 1999	ASSIGNED TO EXAMINER	72505
Dec. 14, 1999	ASSIGNED TO EXAMINER	76612

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

**Affidavit of
Incontestability:**

Section 15 - Accepted

Renewal Date:

Jul. 26, 2015

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

Jul. 16, 2015

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: 91217580

Filing Date:

Jul 28, 2014

Status: Terminated

Status Date:

Oct 14, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant**Name:**

AeroDesigns, Inc.

Correspondent Address:

JARED M BARRETT
SEED IP LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA , 98104
UNITED STATES

Correspondent e-mail:

JaredB@SeedIP.com , lital@SeedIP.com , BillF.Docketing@SeedIP.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE AERO	Abandoned - After Inter-Partes Decision	<u>85842158</u>	

Plaintiff(s)**Name:**

Trudell Medical International

Correspondent Address:

ANDREW J AVSEC
BRINKS GILSON & LIONE
PO BOX 10395
CHICAGO IL , 60610
UNITED STATES

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , cdolan@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROBIKA	Registered	<u>85277308</u>	<u>4448148</u>
AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>
AEROHIPPIUS	Section 8 and 15 - Accepted and Acknowledged	<u>77159824</u>	<u>3683576</u>
AERODAWG	Section 8 - Accepted	<u>77349068</u>	<u>3566678</u>
AEROCOUNT	Renewed	<u>75788417</u>	<u>2976372</u>
AEROKAT	Renewed	<u>76420679</u>	<u>2971439</u>
AEROKAT	Renewed	<u>76420681</u>	<u>2877881</u>
AEROTRACH PLUS	Renewed	<u>76181386</u>	<u>2725125</u>
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>
AEROTRACH PLUS	Renewed	<u>76181387</u>	<u>2634254</u>
AEROECLIPSE	Renewed	<u>75658260</u>	<u>2451713</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	CHANGE OF CORRESP ADDRESS	Jul 30, 2014	
5	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
6	EXTENSION OF TIME GRANTED	Aug 27, 2014	
7	D MOT FOR EXT W/ CONSENT	Oct 06, 2014	
8	EXTENSION OF TIME GRANTED	Oct 06, 2014	
9	W/DRAW OF APPLICATION	Oct 09, 2014	
10	BD DECISION: DISMISSED W/O PREJ	Oct 14, 2014	
11	TERMINATED	Oct 14, 2014	

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Mark: AEROKAT



US Serial Number: 76420679

Application Filing Date:

Jun. 14, 2002

US Registration Number: 2971439

Registration Date:

Jul. 19, 2005

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Jul. 20, 2015

Publication Date: Nov. 23, 2004

Notice of Allowance Date:

Feb. 15, 2005

Mark Information

Mark Literal Elements:

AEROKAT

Standard Character Claim:

No

Mark Drawing Type:

3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s):

03.01.04 - Cats, domestic Cats; Kittens

03.01.24 - Stylized cats, dogs, wolves, foxes, bears, lions, tigers

Foreign Information

Priority Claimed:

Yes

Foreign Application Number: 1129621

Foreign Application Filing Date:

Jan. 24, 2002

Foreign Application/Registration Country: CANADA

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:

VETERINARY AEROSOL DELIVERY APPARATUS, NAMELY, HOLDING CHAMBERS FOR USE WITH METERED DOSE INHALERS

International Class(es): 010 - Primary Class

U.S Class(es):

026, 039, 044

Class Status:

ACTIVE

Basis:

1(a)

First Use: Aug. 19, 2002

Use in Commerce:

Aug. 19, 2002

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name:

Trudell Medical International

Composed of:

Trudell Partnership Holdings Limited (an Ontario Corporation) and Packard Medical Supply Centre Ltd. (an Ontario Corporation)

Owner Address:725 Third Street
London Ontario N5V 5G4
CANADA

Legal Entity Type: PARTNERSHIP

State or Country Where
Organized:

CANADA

Attorney/Correspondence Information

Attorney of Record - None
Correspondent**Correspondent
Name/Address:**TRUDELL MEDICAL INTERNATIONAL
725 Third Street
London Ontario N5V5G4
CANADA

Phone: (519) 455-7060

Fax:

(519) 455-4469

Correspondent e-mail: scrockett@tmlcorp.comCorrespondent e-mail
Authorized:

Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 20, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 20, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68502
Jul. 20, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68502
Jul. 20, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Jun. 25, 2015	TEAS SECTION 8 & 9 RECEIVED	
Jun. 25, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 13, 2011	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Aug. 13, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
Aug. 12, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Jul. 04, 2011	TEAS SECTION 8 & 15 RECEIVED	
Jul. 19, 2005	REGISTERED-PRINCIPAL REGISTER	
May 09, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	67215
Apr. 22, 2005	ASSIGNED TO LIE	67215
Apr. 21, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	

Apr. 21, 2005	STATEMENT OF USE PROCESSING COMPLETE	71427
Mar. 22, 2005	USE AMENDMENT FILED	71427
Mar. 22, 2005	TEAS STATEMENT OF USE RECEIVED	
Feb. 15, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 23, 2004	PUBLISHED FOR OPPOSITION	
Nov. 03, 2004	NOTICE OF PUBLICATION	
Sep. 27, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	78413
Sep. 14, 2004	ASSIGNED TO LIE	78413
Sep. 07, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 24, 2003	SEC. 44(D) CLAIM DELETED	73363
Sep. 07, 2004	PREVIOUS ACTION COUNT WITHDRAWN	
Jan. 28, 2004	INQUIRY AS TO SUSPENSION MAILED	
Jan. 09, 2004	CASE FILE IN TICRS	
Apr. 23, 2003	LETTER OF SUSPENSION MAILED	
Mar. 24, 2003	PAPER RECEIVED	
Mar. 24, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 24, 2002	NON-FINAL ACTION MAILED	
Sep. 20, 2002	ASSIGNED TO EXAMINER	73363

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

**Affidavit of
Incontestability:**

Section 15 - Accepted

Renewal Date:

Jul. 19, 2015

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

Jul. 20, 2015

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: 91217580

Filing Date:

Jul 28, 2014

Status: Terminated

Status Date:

Oct 14, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name:

AeroDesigns, Inc.

Correspondent Address:

JARED M BARRETT
SEED IP LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA , 98104
UNITED STATES

Correspondent e-mail:

JaredB@SeedIP.com , litcal@SeedIP.com , BillF.Docketing@SeedIP.com

Associated marks

Mark

Application Status

**Serial
Number**

**Registration
Number**

THE AERO

Abandoned - After Inter-Partes Decision

85842158

Plaintiff(s)

Name:

Trudell Medical International

Correspondent Address:

ANDREW J AVSEC
BRINKS GILSON & LIONE
PO BOX 10395
CHICAGO IL , 60610
UNITED STATES

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , cdolan@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROBIKA	Registered	<u>85277308</u>	<u>4448148</u>
AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>
AEROHIPPIUS	Section 8 and 15 - Accepted and Acknowledged	<u>77159824</u>	<u>3683576</u>
AERODAWG	Section 8 - Accepted	<u>77349068</u>	<u>3566678</u>
AEROCOUNT	Renewed	<u>75788417</u>	<u>2976372</u>
AEROKAT	Renewed	<u>76420679</u>	<u>2971439</u>
AEROKAT	Renewed	<u>76420681</u>	<u>2877881</u>
AEROTRACH PLUS	Renewed	<u>76181386</u>	<u>2725125</u>
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>
AEROTRACH PLUS	Renewed	<u>76181387</u>	<u>2634254</u>
AEROECLIPSE	Renewed	<u>75658260</u>	<u>2451713</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	CHANGE OF CORRESP ADDRESS	Jul 30, 2014	
5	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
6	EXTENSION OF TIME GRANTED	Aug 27, 2014	
7	D MOT FOR EXT W/ CONSENT	Oct 06, 2014	
8	EXTENSION OF TIME GRANTED	Oct 06, 2014	
9	W/DRAW OF APPLICATION	Oct 09, 2014	
10	BD DECISION: DISMISSED W/O PREJ	Oct 14, 2014	
11	TERMINATED	Oct 14, 2014	

Generated on:

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Mark: AEROKAT

AEROKAT

US Serial Number: 76420681

Jun. 14, 2002

US Registration Number: 2877881

Aug. 24, 2004

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Aug. 29, 2014

Publication Date: Sep. 23, 2003

Dec. 16, 2003

Application Filing Date:

Registration Date:

Notice of Allowance Date:

Mark Information

Mark Literal Elements:

AEROKAT

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Foreign Information

Priority Claimed:

Yes

Foreign Application Number: 1130156

Jan. 24, 2002

Foreign Application Filing Date:

Foreign Application/Registration Country: CANADA

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For:

VETERINARY AEROSOL DELIVERY APPARATUS, NAMELY, HOLDING CHAMBERS FOR USE WITH METERED DOSE INHALERS

International Class(es): 010 - Primary Class

026, 039, 044

U.S Class(es):

Class Status:

ACTIVE

Basis:

1(a)

First Use: Aug. 19, 2002

Use in Commerce:

Aug. 19, 2002

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name:

Trudell Medical International

Composed of:

Trudell Partnership Holdings Limited (an Ontario Corporation) and Packard Medical Supply Centre Ltd. (an Ontario Corporation)

Owner Address:

725 Third Street
London Ontario CANADA N5V 5G4

Legal Entity Type: PARTNERSHIP

**State or Country Where
Organized:**

CANADA

Attorney/Correspondence Information

**Attorney of Record - None
Correspondent**

**Correspondent
Name/Address:**

TRUDELL MEDICAL INTERNATIONAL
725 Third Street
London Ontario CANADA N5V5G4

Phone: (519) 455-7060

Fax:

(519) 455-4469

Correspondent e-mail: scrockett@tmicorp.com

**Correspondent e-mail
Authorized:**

Yes

Domestic Representative

Domestic Representative Name: Connie Bolton
(315) 472-2136

Phone:

Fax:

(315) 472-1924

Prosecution History

Date	Description	Proceeding Number
Aug. 29, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Aug. 29, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76873
Aug. 29, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76873
Aug. 29, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76873
Aug. 12, 2014	TEAS SECTION 8 & 9 RECEIVED	
Aug. 12, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 10, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Aug. 09, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Jul. 20, 2010	TEAS SECTION 8 & 15 RECEIVED	
Aug. 24, 2004	REGISTERED-PRINCIPAL REGISTER	
Jun. 15, 2004	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 14, 2004	ASSIGNED TO EXAMINER	73363
Jun. 10, 2004	STATEMENT OF USE PROCESSING COMPLETE	

May 28, 2004 USE AMENDMENT FILED
Jun. 07, 2004 CASE FILE IN TIGRS
May 28, 2004 TEAS STATEMENT OF USE RECEIVED
Dec. 16, 2003 NOA MAILED - SOU REQUIRED FROM APPLICANT
Sep. 23, 2003 PUBLISHED FOR OPPOSITION
Sep. 03, 2003 NOTICE OF PUBLICATION
Jul. 18, 2003 APPROVED FOR PUB - PRINCIPAL REGISTER
Jun. 11, 2003 SEC. 44(D) CLAIM DELETED
Jun. 12, 2003 EXAMINERS AMENDMENT MAILED
Apr. 23, 2003 LETTER OF SUSPENSION MAILED
Mar. 24, 2003 PAPER RECEIVED
Mar. 24, 2003 CORRESPONDENCE RECEIVED IN LAW OFFICE
Sep. 24, 2002 NON-FINAL ACTION MAILED
Sep. 20, 2002 ASSIGNED TO EXAMINER

73363

73363

Maintenance Filings or Post Registration Information

Affidavit of Continued
Use:

Section 8 - Accepted

Affidavit of
Incontestability:

Section 15 - Accepted

Renewal Date:

Aug. 24, 2014

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

Aug. 29, 2014

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: 91217580

Filing Date:

Jul 28, 2014

Status: Terminated

Status Date:

Oct 14, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name:

AeroDesigns, Inc.

Correspondent Address:

JARED M BARRETT
SEED IP LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA UNITED STATES , 98104

Correspondent e-mail:

JaredB@SeedIP.com , litalc@SeedIP.com , BillF.Docketing@SeedIP.com

Associated marks

Mark

Application Status

Serial
Number

Registration
Number

THE AERO

Abandoned - After Inter-Partes Decision

85842158

Plaintiff(s)

Name:

Trudell Medical International

Correspondent Address:

ANDREW J AVSEC
BRINKS GILSON & LIONE
PO BOX 10395
CHICAGO IL UNITED STATES , 60610

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , cdolan@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROBIKA	Registered	<u>85277308</u>	<u>4448148</u>
AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>
AEROHIPPIUS	Section 8 and 15 - Accepted and Acknowledged	<u>77159824</u>	<u>3683576</u>
AERODAWG	Section 8 - Accepted	<u>77349068</u>	<u>3566678</u>
AEROCOUNT	Renewed	<u>75788417</u>	<u>2976372</u>
AEROKAT	Renewed	<u>76420679</u>	<u>2971439</u>
AEROKAT	Renewed	<u>76420681</u>	<u>2877881</u>
AEROTRACH PLUS	Renewed	<u>76181386</u>	<u>2725125</u>
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>
AEROTRACH PLUS	Renewed	<u>76181387</u>	<u>2634254</u>
AEROECLIPSE	Renewed	<u>75658260</u>	<u>2451713</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	CHANGE OF CORRESP ADDRESS	Jul 30, 2014	
5	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
6	EXTENSION OF TIME GRANTED	Aug 27, 2014	
7	D MOT FOR EXT W/ CONSENT	Oct 06, 2014	
8	EXTENSION OF TIME GRANTED	Oct 06, 2014	
9	W/DRAW OF APPLICATION	Oct 09, 2014	
10	BD DECISION: DISMISSED W/O PREJ	Oct 14, 2014	
11	TERMINATED	Oct 14, 2014	

Generated on:

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Mark: AEROTRACH PLUS

AEROTRACH PLUS

US Serial Number: 76181386

Application Filing Date:

Dec. 07, 2000

US Registration Number: 2725125

Registration Date:

Jun. 10, 2003

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Jun. 07, 2013

Publication Date: Jul. 16, 2002

Notice of Allowance Date:

Oct. 08, 2002

Mark Information

Mark Literal Elements:

AEROTRACH PLUS

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Foreign Information

Priority Claimed:

Yes

Foreign Application Number: 1062421

Foreign Application Filing Date:

Jun. 08, 2000

Foreign Application/Registration Country: CANADA

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For:

medical aerosol delivery apparatus, namely, holding chambers used with medical aerosol dispensing devices

International Class(es): 010 - Primary Class

U.S Class(es):

026, 039, 044

Class Status:

ACTIVE

Basis:

1(a)

First Use: Aug. 23, 2000

Use in Commerce:

Aug. 23, 2000

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name:

TRUDELL MEDICAL INTERNATIONAL

Composed of:

TRUDELL PARTNERSHIP HOLDINGS LIMITED, an Ontario corporation, and PACKARD MEDICAL SUPPLY CENTRE LTD, an Ontario corporation.

Owner Address:

725 Third Street
London, Ontario N5V 5G4
CANADA

Legal Entity Type: PARTNERSHIP

**State or Country Where
Organized:**

CANADA

Attorney/Correspondence Information

**Attorney of Record - None
Correspondent**

**Correspondent
Name/Address:**

TRUDELL MEDICAL INTERNATIONAL
725 THIRD STREET
LONDON, ONTARIO N5V5G4
CANADA

Phone: 519 455-7060

Fax:

519 455/4469

Correspondent e-mail: vstrong@tmlcorp.com

**Correspondent e-mail
Authorized:**

No

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 07, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Jun. 07, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76293
Jun. 07, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76293
Jun. 07, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
May 13, 2013	TEAS SECTION 8 & 9 RECEIVED	
May 13, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 13, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75184
Sep. 02, 2008	ASSIGNED TO PARALEGAL	75184
Aug. 28, 2008	TEAS SECTION 8 & 15 RECEIVED	
Feb. 26, 2008	CASE FILE IN TICRS	
Jun. 10, 2003	REGISTERED-PRINCIPAL REGISTER	
Apr. 11, 2003	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 05, 2003	STATEMENT OF USE PROCESSING COMPLETE	
Jan. 09, 2003	USE AMENDMENT FILED	
Jan. 09, 2003	PAPER RECEIVED	
Oct. 08, 2002	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 16, 2002	PUBLISHED FOR OPPOSITION	
Jun. 26, 2002	NOTICE OF PUBLICATION	

Apr. 17, 2002	SEC. 44(D) CLAIM DELETED	76869
Apr. 17, 2002	SEC. 44(D) CLAIM DELETED	76869
Apr. 11, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 10, 2002	EXAMINERS AMENDMENT MAILED	
Apr. 09, 2002	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jan. 24, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 10, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 30, 2001	LETTER OF SUSPENSION MAILED	
Apr. 26, 2001	ASSIGNED TO EXAMINER	74290
Apr. 10, 2001	ASSIGNED TO EXAMINER	74819

Maintenance Filings or Post Registration Information

**Affidavit of Continued
Use:**

Section 8 - Accepted

**Affidavit of
Incontestability:**

Section 15 - Accepted

Renewal Date:

Jun. 10, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

Jun. 07, 2013

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: 91217580

Filing Date:

Jul 28, 2014

Status: Terminated

Status Date:

Oct 14, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name:

AeroDesigns, Inc.

Correspondent Address:

JARED M BARRETT
SEED IP LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA , 98104
UNITED STATES

Correspondent e-mail:

JaredB@SeedIP.com , litcal@SeedIP.com , BillF.Docketing@SeedIP.com

Associated marks

Mark

THE AERO

Application Status

Abandoned - After Inter-Partes Decision

Plaintiff(s)

**Serial
Number**

85842158

**Registration
Number**

Name:

Trudell Medical International

Correspondent Address:

ANDREW J AVSEC
BRINKS GILSON & LIONE

PO BOX 10395
CHICAGO IL , 60610
UNITED STATES

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , cdolan@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROBIKA	Registered	<u>85277308</u>	<u>4448148</u>
AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>
AEROHIPPIUS	Section 8 and 15 - Accepted and Acknowledged	<u>77159824</u>	<u>3683576</u>
AERODAWG	Section 8 - Accepted	<u>77349068</u>	<u>3566678</u>
AEROCOUNT	Renewed	<u>75788417</u>	<u>2976372</u>
AEROKAT	Renewed	<u>76420679</u>	<u>2971439</u>
AEROKAT	Renewed	<u>76420681</u>	<u>2877881</u>
AEROTRACH PLUS	Renewed	<u>76181386</u>	<u>2725125</u>
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>
AEROTRACH PLUS	Renewed	<u>76181387</u>	<u>2634254</u>
AEROECLIPSE	Renewed	<u>75658260</u>	<u>2451713</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	CHANGE OF CORRESP ADDRESS	Jul 30, 2014	
5	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
6	EXTENSION OF TIME GRANTED	Aug 27, 2014	
7	D MOT FOR EXT W/ CONSENT	Oct 06, 2014	
8	EXTENSION OF TIME GRANTED	Oct 06, 2014	
9	W/DRAW OF APPLICATION	Oct 09, 2014	
10	BD DECISION: DISMISSED W/O PREJ	Oct 14, 2014	
11	TERMINATED	Oct 14, 2014	

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Mark: AEROCHAMBER PLUS

AEROCHAMBER PLUS

US Serial Number: 75889551

Application Filing Date:

Jan. 07, 2000

US Registration Number: 2700774

Registration Date:

Mar. 25, 2003

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Mar. 21, 2013

Publication Date: Mar. 05, 2002

Notice of Allowance Date:

May 28, 2002

Mark Information

Mark Literal Elements:

AEROCHAMBER PLUS

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services.
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:

Aerosol delivery devices, namely, holding chambers for use with aerosol dispensing devices

International Class(es): 010 - Primary Class

U.S Class(es):

026, 039, 044

Class Status:

ACTIVE

Basis:

1(a)

First Use: Aug. 23, 2000

Use in Commerce:

Aug. 23, 2000

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: Yes

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name:

Trudell Medical International

Composed of:

TRUDELL PARTNERSHIP HOLDINGS LIMITED, an Ontario, Canada corporation, and PACKARD MEDICAL SUPPLY CENTRE LTD, an Ontario, Canada corporation.

Owner Address:725 Third Street
London, Ontario N5V 5G4
CANADA**Legal Entity Type:** PARTNERSHIP**State or Country Where
Organized:**

CANADA

Attorney/Correspondence Information

Attorney of Record**Attorney Name:** Nanette M. Norton**Correspondent****Correspondent
Name/Address:**TRUDELL MEDICAL INTERNATIONAL
725 Third Street
London, Ontario N5V5G4
CANADA**Phone:** 519 455-7060**Fax:**

519 455-4469

Domestic Representative**Domestic Representative Name:** Connie Bolton
(315) 472-2136**Phone:****Fax:**

(315) 472-1924

Prosecution History

Date	Description	Proceeding Number
Mar. 21, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Mar. 21, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	77315
Mar. 21, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	77315
Mar. 21, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Mar. 05, 2013	TEAS SECTION 8 & 9 RECEIVED	
Mar. 05, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 21, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69934
Aug. 05, 2008	ASSIGNED TO PARALEGAL	69934
Jul. 28, 2008	TEAS SECTION 8 & 15 RECEIVED	
Apr. 25, 2008	CASE FILE IN TICRS	
Mar. 25, 2003	REGISTERED-PRINCIPAL REGISTER	
Jan. 30, 2003	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 17, 2003	STATEMENT OF USE PROCESSING COMPLETE	
Nov. 25, 2002	USE AMENDMENT FILED	
Nov. 25, 2002	PAPER RECEIVED	
May 28, 2002	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 05, 2002	PUBLISHED FOR OPPOSITION	
Feb. 13, 2002	NOTICE OF PUBLICATION	
Jun. 26, 2001	SEC. 44(D) CLAIM DELETED	76243
Sep. 20, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 26, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 02, 2001	PREVIOUS ACTION COUNT WITHDRAWN	
Jun. 20, 2000	NON-FINAL ACTION MAILED	
Jun. 02, 2000	ASSIGNED TO EXAMINER	74290
Jun. 01, 2000	ASSIGNED TO EXAMINER	69191

Maintenance Filings or Post Registration Information

Affidavit of Continued
Use:

Section 8 - Accepted

Affidavit of
Incontestability:

Section 15 - Accepted

Renewal Date:

Mar. 25, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

Mar. 21, 2013

Proceedings

Summary

Number of Proceedings:

5

Type of Proceeding: Opposition

Proceeding Number: 91217580

Filing Date:

Jul 28, 2014

Status: Terminated

Status Date:

Oct 14, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name:

AeroDesigns, Inc.

Correspondent Address:

JARED M BARRETT
SEED IP LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA , 98104
UNITED STATES

Correspondent e-mail:

JaredB@SeedIP.com , litalc@SeedIP.com , BillF.Docketing@SeedIP.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE AERO	Abandoned - After Inter-Partes Decision	<u>85842158</u>	

Plaintiff(s)

Name:

Trudell Medical International

Correspondent Address:

ANDREW J AVSEC
BRINKS GILSON & LIONE
PO BOX 10395
CHICAGO IL , 60610
UNITED STATES

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , cdolan@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROBIKA	Registered	<u>85277308</u>	<u>4448148</u>
AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>
AEROHIPPIUS	Section 8 and 15 - Accepted and Acknowledged	<u>77159824</u>	<u>3683576</u>

AERODAWG	Section 8 - Accepted	<u>77349068</u>	<u>3566678</u>
AEROCOUNT	Renewed	<u>75788417</u>	<u>2976372</u>
AEROKAT	Renewed	<u>76420679</u>	<u>2971439</u>
AEROKAT	Renewed	<u>76420681</u>	<u>2877881</u>
AEROTRACH PLUS	Renewed	<u>76181386</u>	<u>2725125</u>
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>
AEROTRACH PLUS	Renewed	<u>76181387</u>	<u>2634254</u>
AEROECLIPSE	Renewed	<u>75658260</u>	<u>2451713</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	CHANGE OF CORRESP ADDRESS	Jul 30, 2014	
5	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
6	EXTENSION OF TIME GRANTED	Aug 27, 2014	
7	D MOT FOR EXT W/ CONSENT	Oct 06, 2014	
8	EXTENSION OF TIME GRANTED	Oct 06, 2014	
9	WDRAW OF APPLICATION	Oct 09, 2014	
10	BD DECISION: DISMISSED W/O PREJ	Oct 14, 2014	
11	TERMINATED	Oct 14, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91214359 Filing Date:
Jan 08, 2014
Status: Pending Status Date:
Jan 08, 2014
Interlocutory Attorney: WENDY COHEN

Defendant

Name:
Medical Developments International Limited
Correspondent Address:
PAUL J KENNEDY
PEPPER HAMILTON LLP
3000 TWO LOGAN SQ 18TH AND ARCH STS
PHILADELPHIA PA , 19103
UNITED STATES
Correspondent e-mail:
kennedyp@pepperlaw.com;jensenc@pepperia

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPACE CHAMBER PLUS	Opposition Pending	<u>85715089</u>	

Plaintiff(s)

Name:
Trudell Medical International
Correspondent Address:
ANDREW J AVSEC
BRINKS GILSON & LIONE
PO BOX 10395
CHICAGO IL , 60610
UNITED STATES
Correspondent e-mail:
officeactions@brinksgilson.com , aavsec@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>

Prosecution History				
Entry Number	History Text	Date	Due Date	
1	FILED AND FEE	Jan 08, 2014		
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 08, 2014	Feb 17, 2014	
3	PENDING, INSTITUTED	Jan 08, 2014		
4	ANSWER	Feb 18, 2014		
5	STIP TO SUSP PEND SETTL NEGOTIATIONS	Mar 20, 2014		
6	SUSPENDED	Mar 20, 2014		
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 17, 2014		
8	SUSPENDED	Apr 17, 2014		
9	STIP TO SUSP PEND SETTL NEGOTIATIONS	May 21, 2014		
10	SUSPENDED	May 22, 2014		
11	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 10, 2014		
12	SUSPENDED	Jul 10, 2014		
13	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 08, 2014		
14	SUSPENDED	Aug 08, 2014		
15	STIP TO SUSP PEND SETTL NEGOTIATIONS	Oct 09, 2014		
16	SUSPENDED	Oct 09, 2014		
17	STIP FOR EXT	Mar 06, 2015		
18	EXTENSION OF TIME GRANTED	Mar 06, 2015		
19	STIP FOR EXT	Apr 30, 2015		
20	EXTENSION OF TIME GRANTED	Apr 30, 2015		
21	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 07, 2015		
22	SUSPENDED	Jul 07, 2015		
23	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 06, 2015		
24	SUSPENDED	Aug 06, 2015		
25	STIP FOR EXT	Sep 09, 2015		
26	EXTENSION OF TIME GRANTED	Sep 09, 2015		
27	STIP FOR EXT	Oct 09, 2015		
28	EXTENSION OF TIME GRANTED	Oct 09, 2015		
29	STIP FOR EXT	Nov 06, 2015		
30	EXTENSION OF TIME GRANTED	Nov 06, 2015		
31	STIP FOR EXT	Dec 08, 2015		
32	EXTENSION OF TIME GRANTED	Dec 08, 2015		
33	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jan 08, 2016		
34	SUSPENDED	Jan 08, 2016		

Type of Proceeding: Opposition

Proceeding Number: 91214366 Filing Date:
Jan 08, 2014
Status: Pending Status Date:
Jan 08, 2014
Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name:
Medical Developments International Limited
Correspondent Address:
PAUL J KENNEDY
PEPPER HAMILTON LLP
3000 TWO LOGAN SQ, 18TH AND ARCH STS
PHILADELPHIA PA , 19103
UNITED STATES

Correspondent e-mail:
kennedyp@pepperlaw.com , catalant@pepperlaw.com , jensenc@pepperlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
COMPACT SPACE CHAMBER PLUS	Opposition Pending	<u>85715102</u>	
Plaintiff(s)			

Name:
Trudell Medical International

Correspondent Address:

Andrew J. Avsec
Brinks Gilson & Lione
P.O. Box 10395
Chicago IL, 60610
UNITED STATES

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 08, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 08, 2014	Feb 17, 2014
3	PENDING, INSTITUTED	Jan 08, 2014	
4	ANSWER	Feb 18, 2014	
5	STIP TO SUSP PEND SETTL NEGOTIATIONS	Mar 20, 2014	
6	SUSPENDED	Mar 20, 2014	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 17, 2014	
8	SUSPENDED	Apr 17, 2014	
9	STIP TO SUSP PEND SETTL NEGOTIATIONS	May 21, 2014	
10	SUSPENDED	May 22, 2014	
11	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 10, 2014	
12	SUSPENDED	Jul 10, 2014	
13	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 08, 2014	
14	SUSPENDED	Aug 08, 2014	
15	STIP TO SUSP PEND SETTL NEGOTIATIONS	Oct 09, 2014	
16	SUSPENDED	Oct 09, 2014	
17	STIP FOR EXT	Mar 06, 2015	
18	EXTENSION OF TIME GRANTED	Mar 06, 2015	
19	STIP FOR EXT	Apr 30, 2015	
20	EXTENSION OF TIME GRANTED	Apr 30, 2015	
21	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 07, 2015	
22	SUSPENDED	Jul 07, 2015	
23	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 06, 2015	
24	SUSPENDED	Aug 06, 2015	
25	STIP FOR EXT	Sep 09, 2015	
26	EXTENSION OF TIME GRANTED	Sep 09, 2015	
27	STIP FOR EXT	Oct 09, 2015	
28	EXTENSION OF TIME GRANTED	Oct 09, 2015	
29	STIP FOR EXT	Nov 06, 2015	
30	EXTENSION OF TIME GRANTED	Nov 06, 2015	
31	STIP FOR EXT	Dec 08, 2015	
32	EXTENSION OF TIME GRANTED	Dec 08, 2015	
33	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jan 08, 2016	
34	SUSPENDED	Jan 08, 2016	

Type of Proceeding: Opposition

Proceeding Number: 91155992

Filing Date:

Mar 31, 2003

Status: Terminated

Status Date:

Jul 30, 2003

Interlocutory Attorney: ANGELA LYKOS

Defendant

Name:

Innovata Biomed Limited

Correspondent Address:

Jodi-Ann McLane
SALTER & MICHAELSON
321 S. Main Street
Providence RI , 02903-7108
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROFILTER	Abandoned - After Inter-Partes Decision	<u>76276902</u>	

Name:

Trudell Medical International

Correspondent Address:

Thomas M. Williams
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago IL , 60610
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 31, 2003	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 17, 2003	May 27, 2003
3	PENDING, INSTITUTED	Apr 17, 2003	
4	WITHDRAWAL OF APPLICATION	May 29, 2003	
5	BOARD'S DECISION: SUSTAINED	Jul 30, 2003	
6	TERMINATED	Jul 30, 2003	

Type of Proceeding: Extension of Time

Proceeding Number: 76276902 **Filing Date:**
Dec 12, 2002
Status: Terminated **Status Date:**
Dec 12, 2002
Interlocutory Attorney:

Defendant

Name:

Innovata Biomed Limited

Correspondent Address:

JODI-ANN MCLANE
SALTER & MICHAELSON
321 S MAIN ST
PROVIDENCE RI , 02903-7108
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROFILTER	Abandoned - After Inter-Partes Decision	<u>76276902</u>	

Name:

Trudell Medical International

Correspondent Address:

Thomas M. Williams
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago IL , 60610
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>

Prosecution History

Entry Number	History Text	Date	Due Date
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1	INCOMING - EXT TIME TO OPPOSE FILED	Nov 25, 2002	
2	EXTENSION OF TIME GRANTED	Dec 12, 2002	
3	INCOMING - EXT TIME TO OPPOSE FILED	Dec 23, 2002	
4	EXTENSION OF TIME GRANTED	Jan 31, 2003	
5	CORRECTION TO GRANTED EXTENSION; OP. DUE (DUE DATE)	Feb 10, 2003	Mar 12, 2003
6	INCOMING - EXT TIME TO OPPOSE FILED	Feb 28, 2003	
7	EXTENSION OF TIME GRANTED	Mar 10, 2003	

Generated on:

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Mark: AEROCHAMBER PLUS



US Serial Number: 75889550

Jan. 07, 2000

US Registration Number: 2700773

Mar. 25, 2003

Application Filing Date:

Registration Date:

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Feb. 27, 2013

Publication Date: Mar. 05, 2002

Notice of Allowance Date:

May 28, 2002

Mark Information

Mark Literal Elements:

AEROCHAMBER PLUS

Standard Character Claim:

No

Mark Drawing Type:

3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s):

26.01.15 - Three circles; Circles, exactly three circles

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For:

Aerosol delivery devices, namely, holding chambers for use with aerosol dispensing devices

International Class(es): 010 - Primary Class

U.S Class(es):

026, 039, 044

Class Status:

ACTIVE

Basis:

1(a)

First Use: Aug. 23, 2000

Use in Commerce:

Aug. 23, 2000

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: Yes

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name:

Trudell Medical International

Composed of:

TRUDELL PARTNERSHIP HOLDINGS LIMITED, an Ontario, Canada corporation, and PACKARD MEDICAL SUPPLY CENTRE LTD.
an Ontario, Canada corporation.

Owner Address:

725 Third Street
London, Ontario N5V 5G4
CANADA

Legal Entity Type: PARTNERSHIP

**State or Country Where
Organized:**

CANADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Nanette M. Norton

Correspondent

**Correspondent
Name/Address:**

Trudell Medical International
725 Third Street
London, Ontario N5V5G4
CANADA

Phone: 519 455-7060

Fax:

519 455-4469

Domestic Representative

Domestic Representative Name: Connie Bolton
(315) 472-2136

Phone:

Fax:

(315) 472-1924

Prosecution History

Date	Description	Proceeding Number
Feb. 27, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Feb. 27, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Feb. 27, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69471
Feb. 27, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Feb. 12, 2013	TEAS SECTION 8 & 9 RECEIVED	
Feb. 12, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 31, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75461
Jul. 30, 2008	ASSIGNED TO PARALEGAL	75461
Jul. 17, 2008	TEAS SECTION 8 & 15 RECEIVED	
Apr. 25, 2008	CASE FILE IN TICRS	
Mar. 25, 2003	REGISTERED-PRINCIPAL REGISTER	
Jan. 30, 2003	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 17, 2003	STATEMENT OF USE PROCESSING COMPLETE	
Nov. 25, 2002	USE AMENDMENT FILED	
Nov. 25, 2002	PAPER RECEIVED	
May 28, 2002	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 05, 2002	PUBLISHED FOR OPPOSITION	
Feb. 13, 2002	NOTICE OF PUBLICATION	
Jun. 26, 2001	SEC. 44(D) CLAIM DELETED	76243
Sep. 20, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 26, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jul. 02, 2001	PREVIOUS ACTION COUNT WITHDRAWN	
Jun. 02, 2000	NON-FINAL ACTION MAILED	

Jun. 02, 2000 ASSIGNED TO EXAMINER
Jun. 01, 2000 ASSIGNED TO EXAMINER

74290
68113

Maintenance Filings or Post Registration Information

Affidavit of Continued
Use:

Section 8 - Accepted

Affidavit of
Incontestability:

Section 15 - Accepted

Renewal Date:

Mar. 25, 2013

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

Feb. 27, 2013

Proceedings

Summary

Number of Proceedings:

3

Type of Proceeding: Opposition

Proceeding Number: 91217580

Filing Date:

Jul 28, 2014

Status: Terminated

Status Date:

Oct 14, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name:

AeroDesigns, Inc.

Correspondent Address:

JARED M BARRETT
SEED IP LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA , 98104
UNITED STATES

Correspondent e-mail:

JaredB@SeedIP.com , lital@SeedIP.com , BillF.Docketing@SeedIP.com

Associated marks

Mark

Application Status

Serial
Number

Registration
Number

THE AERO

Abandoned - After Inter-Partes Decision

85842158

Plaintiff(s)

Name:

Trudell Medical International

Correspondent Address:

ANDREW J AVSEC
BRINKS GILSON & LIONE
PO BOX 10395
CHICAGO IL , 60610
UNITED STATES

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , cdolan@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark

Application Status

Serial
Number

Registration
Number

AEROBIKA

Registered

85277308

4448148

AEROCHAMBER PLUS FLOW-VU	Registered	85750142	4438659
AEROHIPPIUS	Section 8 and 15 - Accepted and Acknowledged	77159824	3683576
AERODAWG	Section 8 - Accepted	77349068	3566678
AEROCOUNT	Renewed	75788417	2976372
AEROKAT	Renewed	76420679	2971439
AEROKAT	Renewed	76420681	2877881
AEROTRACH PLUS	Renewed	76181386	2725125
AEROCHAMBER PLUS	Renewed	75889551	2700774
AEROCHAMBER PLUS	Renewed	75889550	2700773
AEROTRACH PLUS	Renewed	76181387	2634254
AEROECLIPSE	Renewed	75658260	2451713

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	CHANGE OF CORRESP ADDRESS	Jul 30, 2014	
5	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
6	EXTENSION OF TIME GRANTED	Aug 27, 2014	
7	D MOT FOR EXT W/ CONSENT	Oct 06, 2014	
8	EXTENSION OF TIME GRANTED	Oct 06, 2014	
9	W/DRAW OF APPLICATION	Oct 09, 2014	
10	BD DECISION: DISMISSED W/O PREJ	Oct 14, 2014	
11	TERMINATED	Oct 14, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91214359 **Filing Date:**
 Jan 08, 2014
Status: Pending **Status Date:**
 Jan 08, 2014
Interlocutory Attorney: WENDY COHEN

Defendant

Name:
 Medical Developments International Limited
Correspondent Address:
 PAUL J KENNEDY
 PEPPER HAMILTON LLP
 3000 TWO LOGAN SQ 18TH AND ARCH STS
 PHILADELPHIA PA , 19103
 UNITED STATES
Correspondent e-mail:
kennedyp@pepperlaw.com; jensenc@pepperla

Associated marks

Mark	Application Status	Serial Number	Registration Number
SPACE CHAMBER PLUS	Opposition Pending	85715089	

Plaintiff(s)

Name:
 Trudell Medical International
Correspondent Address:
 ANDREW J AVSEC
 BRINKS GILSON & LIONE
 PO BOX 10395
 CHICAGO IL , 60610
 UNITED STATES
Correspondent e-mail:
officeactions@brinksgilson.com , aavsec@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROCHAMBER PLUS	Renewed	75889550	2700773

AEROCHAMBER PLUS
AEROCHAMBER PLUS FLOW-VU

Renewed
Registered

75889551
85750142

2700774
4438659

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 08, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 08, 2014	Feb 17, 2014
3	PENDING, INSTITUTED	Jan 08, 2014	
4	ANSWER	Feb 18, 2014	
5	STIP TO SUSP PEND SETTL NEGOTIATIONS	Mar 20, 2014	
6	SUSPENDED	Mar 20, 2014	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 17, 2014	
8	SUSPENDED	Apr 17, 2014	
9	STIP TO SUSP PEND SETTL NEGOTIATIONS	May 21, 2014	
10	SUSPENDED	May 22, 2014	
11	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 10, 2014	
12	SUSPENDED	Jul 10, 2014	
13	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 08, 2014	
14	SUSPENDED	Aug 08, 2014	
15	STIP TO SUSP PEND SETTL NEGOTIATIONS	Oct 09, 2014	
16	SUSPENDED	Oct 09, 2014	
17	STIP FOR EXT	Mar 06, 2015	
18	EXTENSION OF TIME GRANTED	Mar 06, 2015	
19	STIP FOR EXT	Apr 30, 2015	
20	EXTENSION OF TIME GRANTED	Apr 30, 2015	
21	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 07, 2015	
22	SUSPENDED	Jul 07, 2015	
23	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 06, 2015	
24	SUSPENDED	Aug 06, 2015	
25	STIP FOR EXT	Sep 09, 2015	
26	EXTENSION OF TIME GRANTED	Sep 09, 2015	
27	STIP FOR EXT	Oct 09, 2015	
28	EXTENSION OF TIME GRANTED	Oct 09, 2015	
29	STIP FOR EXT	Nov 06, 2015	
30	EXTENSION OF TIME GRANTED	Nov 06, 2015	
31	STIP FOR EXT	Dec 08, 2015	
32	EXTENSION OF TIME GRANTED	Dec 08, 2015	
33	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jan 08, 2016	
34	SUSPENDED	Jan 08, 2016	

Type of Proceeding: Opposition

Proceeding Number: 91214366

Filing Date:

Jan 08, 2014

Status: Pending

Status Date:

Jan 08, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name:

Medical Developments International Limited

Correspondent Address:

PAUL J KENNEDY
PEPPER HAMILTON LLP
3000 TWO LOGAN SQ, 18TH AND ARCH STS
PHILADELPHIA PA, 19103
UNITED STATES

Correspondent e-mail:

kennedyp@pepperlaw.com , catalant@pepperlaw.com , jensenc@pepperlaw.com

Associated marks

Mark
COMPACT SPACE CHAMBER PLUS

Application Status
Opposition Pending
Plaintiff(s)

Serial
Number
85715102

Registration
Number

Name:

Trudell Medical International

Correspondent Address:

Andrew J. Avsec
 Brinks Gilson & Lione
 P.O. Box 10395
 Chicago IL , 60610
 UNITED STATES

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 08, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 08, 2014	Feb 17, 2014
3	PENDING, INSTITUTED	Jan 08, 2014	
4	ANSWER	Feb 18, 2014	
5	STIP TO SUSP PEND SETTL NEGOTIATIONS	Mar 20, 2014	
6	SUSPENDED	Mar 20, 2014	
7	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 17, 2014	
8	SUSPENDED	Apr 17, 2014	
9	STIP TO SUSP PEND SETTL NEGOTIATIONS	May 21, 2014	
10	SUSPENDED	May 22, 2014	
11	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 10, 2014	
12	SUSPENDED	Jul 10, 2014	
13	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 08, 2014	
14	SUSPENDED	Aug 08, 2014	
15	STIP TO SUSP PEND SETTL NEGOTIATIONS	Oct 09, 2014	
16	SUSPENDED	Oct 09, 2014	
17	STIP FOR EXT	Mar 06, 2015	
18	EXTENSION OF TIME GRANTED	Mar 06, 2015	
19	STIP FOR EXT	Apr 30, 2015	
20	EXTENSION OF TIME GRANTED	Apr 30, 2015	
21	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jul 07, 2015	
22	SUSPENDED	Jul 07, 2015	
23	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 06, 2015	
24	SUSPENDED	Aug 06, 2015	
25	STIP FOR EXT	Sep 09, 2015	
26	EXTENSION OF TIME GRANTED	Sep 09, 2015	
27	STIP FOR EXT	Oct 09, 2015	
28	EXTENSION OF TIME GRANTED	Oct 09, 2015	
29	STIP FOR EXT	Nov 06, 2015	
30	EXTENSION OF TIME GRANTED	Nov 06, 2015	
31	STIP FOR EXT	Dec 08, 2015	
32	EXTENSION OF TIME GRANTED	Dec 08, 2015	
33	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jan 08, 2016	
34	SUSPENDED	Jan 08, 2016	

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Mark: AEROTRACH PLUS



US Serial Number: 76181387

Application Filing Date:

Dec. 07, 2000

US Registration Number: 2634254

Registration Date:

Oct. 15, 2002

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

Sep. 21, 2012

Publication Date: Jul. 23, 2002

Mark Information

Mark Literal Elements:

AEROTRACH PLUS

Standard Character Claim:

No

Mark Drawing Type:

3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Design Search Code(s):

26.01.05 - Circles made of broken or dotted lines

Foreign Information

Priority Claimed:

Yes

Foreign Application Number: 1062420

Foreign Application Filing Date:

Jun. 08, 2000

Foreign Application/Registration Country: CANADA

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For:

medical aerosol delivery apparatus, namely, holding chambers used with medical aerosol dispensing devices

International Class(es): 010 - Primary Class

U.S Class(es):

026, 039, 044

Class Status:

ACTIVE

Basis:

1(a)

First Use: Apr. 20, 2000

Use in Commerce:

Aug. 23, 2000

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name:

TRUDELL MEDICAL INTERNATIONAL

Composed of:

TRUDELL PARTNERSHIP HOLDINGS LIMITED, an Ontario corporation, and PACKARD MEDICAL SUPPLY CENTRE LTD, an Ontario corporation.

Owner Address:

725 Third Street
London, Ontario N5V 5G4
CANADA

Legal Entity Type: PARTNERSHIP

**State or Country Where
Organized:**

CANADA

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

**Correspondent
Name/Address:**

TRUDELL MEDICAL INTERNATIONAL
725 THIRD STREET
LONDON, ONTARIO N5V5G4
CANADA

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 21, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Sep. 21, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76293
Sep. 21, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76293
Sep. 21, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Sep. 07, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 07, 2012	TEAS SECTION 8 & 9 RECEIVED	
Feb. 19, 2008	CASE FILE IN TICS	
Dec. 01, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	65765
Nov. 29, 2007	ASSIGNED TO PARALEGAL	65765
Nov. 28, 2007	TEAS SECTION 8 & 15 RECEIVED	
Oct. 15, 2002	REGISTERED-PRINCIPAL REGISTER	
Jul. 23, 2002	PUBLISHED FOR OPPOSITION	
Jul. 03, 2002	NOTICE OF PUBLICATION	
Apr. 11, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 10, 2002	EXAMINERS AMENDMENT MAILED	
Apr. 09, 2002	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Feb. 11, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 29, 2002	EXAMINERS AMENDMENT MAILED	
Oct. 30, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
May 01, 2001	NON-FINAL ACTION MAILED	
Apr. 26, 2001	ASSIGNED TO EXAMINER	74290

Maintenance Filings or Post Registration Information

Affidavit of Continued
Use:

Section 8 - Accepted

Affidavit of
Incontestability:

Section 15 - Accepted

Renewal Date:

Oct. 15, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

Sep. 21, 2012

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: 91217580

Filing Date:

Jul 28, 2014

Status: Terminated

Status Date:

Oct 14, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name:

AeroDesigns, Inc.

Correspondent Address:

JARED M BARRETT
SEED IP LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA , 98104
UNITED STATES

Correspondent e-mail:

JaredB@SeedIP.com , jital@SeedIP.com , BillF.Docketing@SeedIP.com

Associated marks

Mark

Application Status

Serial
Number

Registration
Number

THE AERO

Abandoned - After Inter-Partes Decision

85842158

Plaintiff(s)

Name:

Trudell Medical International

Correspondent Address:

ANDREW J AVSEC
BRINKS GILSON & LIONE
PO BOX 10395
CHICAGO IL , 60610
UNITED STATES

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , cdolan@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark

Application Status

Serial
Number

Registration
Number

AEROBIKA

Registered

85277308

4448148

AEROCHAMBER PLUS FLOW-VU

Registered

85750142

4438659

AEROHIPPIUS	Section 8 and 15 - Accepted and Acknowledged	<u>77159824</u>	<u>3683576</u>
AERODAWG	Section 8 - Accepted	<u>77349068</u>	<u>3566678</u>
AEROCOUNT	Renewed	<u>75788417</u>	<u>2976372</u>
AEROKAT	Renewed	<u>76420679</u>	<u>2971439</u>
AEROKAT	Renewed	<u>76420681</u>	<u>2877881</u>
AEROTRACH PLUS	Renewed	<u>76181386</u>	<u>2725125</u>
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>
AEROTRACH PLUS	Renewed	<u>76181387</u>	<u>2634254</u>
AEROECLIPSE	Renewed	<u>75658260</u>	<u>2451713</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	CHANGE OF CORRESP ADDRESS	Jul 30, 2014	
5	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
6	EXTENSION OF TIME GRANTED	Aug 27, 2014	
7	D MOT FOR EXT W/ CONSENT	Oct 06, 2014	
8	EXTENSION OF TIME GRANTED	Oct 06, 2014	
9	W/DRAW OF APPLICATION	Oct 09, 2014	
10	BD DECISION: DISMISSED W/O PREJ	Oct 14, 2014	
11	TERMINATED	Oct 14, 2014	

Generated on:

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Mark: AEROECLIPSE

AEROECLIPSE

US Serial Number: 75658260

Application Filing Date:

Mar. 11, 1999

US Registration Number: 2451713

Registration Date:

May 15, 2001

Register:

Principal

Mark Type:

Trademark

Status:

The registration has been renewed.

Status Date:

May 05, 2011

Publication Date: Apr. 18, 2000

Notice of Allowance Date:

Jul. 11, 2000

Mark Information

Mark Literal Elements:

AEROECLIPSE

Standard Character Claim:

No

Mark Drawing Type:

1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Foreign Information

Priority Claimed:

Yes

Foreign Application Number: 890113

Foreign Application Filing Date:

Sep. 14, 1998

Foreign Application/Registration Country: CANADA

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For:

Aerosol delivery devices for medical use, namely, nebulizers for atomizing liquids

International Class(es): 010 - Primary Class

U.S Class(es):

026, 039, 044

Class Status:

ACTIVE

Basis:

1(a)

First Use: Nov. 30, 1999

Use in Commerce:

Nov. 30, 1999

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name:

TRUDELL MEDICAL INTERNATIONAL

Composed of:

TRUDELL PARTNERSHIP HOLDINGS LIMITED, an Ontario corporation, and PACKARD MEDICAL SUPPLY CENTRE LTD, an Ontario corporation

Owner Address:

725 Third Street
London, Ontario N5V 5G4
CANADA

Legal Entity Type: PARTNERSHIP

State or Country Where
Organized:

CANADA

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address:

MONAGHAN MEDICAL CORPORATION
102 W DIVISION ST STE # 300
SYRACUSE, NEW YORK 13204
UNITED STATES

Domestic Representative

Domestic Representative Monaghan Medical Corp.

Name: (315) 472-2136

Phone:

Fax:

(315) 472-1924

Prosecution History

Date	Description	Proceeding Number
May 05, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68335
May 05, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 02, 2011	TEAS SECTION 8 & 9 RECEIVED	
May 10, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
May 10, 2007	ASSIGNED TO PARALEGAL	68335
Apr. 12, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 12, 2007	TEAS SECTION 8 & 15 RECEIVED	
Nov. 02, 2006	CASE FILE IN TIGRS	
May 15, 2001	REGISTERED-PRINCIPAL REGISTER	
Feb. 06, 2001	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 06, 2001	ASSIGNED TO EXAMINER	72505
Feb. 01, 2001	STATEMENT OF USE PROCESSING COMPLETE	
Dec. 07, 2000	USE AMENDMENT FILED	
Jul. 11, 2000	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 18, 2000	PUBLISHED FOR OPPOSITION	
Mar. 17, 2000	NOTICE OF PUBLICATION	
Mar. 06, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 23, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Aug. 25, 1999 NON-FINAL ACTION MAILED
Aug. 20, 1999 ASSIGNED TO EXAMINER

72505

Maintenance Filings or Post Registration Information

Affidavit of Continued
Use:

Section 8 - Accepted

Affidavit of
Incontestability:

Section 15 - Accepted

Renewal Date:

May 15, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location:

May 05, 2011

Proceedings

Summary

Number of Proceedings:

1

Type of Proceeding: Opposition

Proceeding Number: 91217580

Filing Date:

Jul 28, 2014

Status: Terminated

Status Date:

Oct 14, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name:

AeroDesigns, Inc.

Correspondent Address:

JARED M BARRETT
SEED IP LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 5400
SEATTLE WA , 98104
UNITED STATES

Correspondent e-mail:

JaredB@SeedIP.com , lital@SeedIP.com , BillF.Docketing@SeedIP.com

Associated marks

Mark

Application Status

Serial
Number

Registration
Number

THE AERO

Abandoned - After Inter-Partes Decision

85842158

Plaintiff(s)

Name:

Trudell Medical International

Correspondent Address:

ANDREW J AVSEC
BRINKS GILSON & LIONE
PO BOX 10395
CHICAGO IL , 60610
UNITED STATES

Correspondent e-mail:

officeactions@brinksgilson.com , aavsec@brinksgilson.com , cdolan@brinksgilson.com , rrios@brinksgilson.com

Associated marks

Mark

Application Status

Serial
Number

Registration
Number

AEROBIKA

Registered

85277308

4448148

AEROCHAMBER PLUS FLOW-VU	Registered	<u>85750142</u>	<u>4438659</u>
AEROHIPPIUS	Section 8 and 15 - Accepted and Acknowledged	<u>77159824</u>	<u>3683576</u>
AERODAWG	Section 8 - Accepted	<u>77349068</u>	<u>3566678</u>
AEROCOUNT	Renewed	<u>75788417</u>	<u>2976372</u>
AEROKAT	Renewed	<u>76420679</u>	<u>2971439</u>
AEROKAT	Renewed	<u>76420681</u>	<u>2877881</u>
AEROTRACH PLUS	Renewed	<u>76181386</u>	<u>2725125</u>
AEROCHAMBER PLUS	Renewed	<u>75889551</u>	<u>2700774</u>
AEROCHAMBER PLUS	Renewed	<u>75889550</u>	<u>2700773</u>
AEROTRACH PLUS	Renewed	<u>76181387</u>	<u>2634254</u>
AEROECLIPSE	Renewed	<u>75658260</u>	<u>2451713</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 28, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 28, 2014	Sep 06, 2014
3	PENDING, INSTITUTED	Jul 28, 2014	
4	CHANGE OF CORRESP ADDRESS	Jul 30, 2014	
5	D MOT FOR EXT W/ CONSENT	Aug 27, 2014	
6	EXTENSION OF TIME GRANTED	Aug 27, 2014	
7	D MOT FOR EXT W/ CONSENT	Oct 06, 2014	
8	EXTENSION OF TIME GRANTED	Oct 06, 2014	
9	W/DRAW OF APPLICATION	Oct 09, 2014	
10	BD DECISION: DISMISSED W/O PREJ	Oct 14, 2014	
11	TERMINATED	Oct 14, 2014	